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Manual of Rules and Regulations of the State Board of Forestry. 1912.

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Manual of

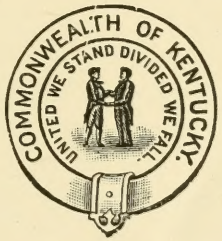
Rules and Regulations

of the

State Board of Forestry

MANUAL OF RULES AND REGULATIONS OF THE STATE BOARD OF FORESTRY

Kentucky.



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HISTORICAL INTRODUCTION

At the regular session of the General Assembly of the Commonwealth of Kentucky, which began January 2, 1912, and ended March 12, 1912, an act was passed "to establish a State Board of Forestry, prescribing its duties and for conserving the forests and water supply of the State and appropriating money therefor" (H. B. 61. Price, Chap. 133, p. 529, Acts of Kentucky, 1912), which was approved by the Governor March 19, 1912. This act crystallized into law a strong and growing sentiment in the Commonwealth that the time was ripe for a definite forest policy in line with the same character of policies in other States and the Federal Government.

In accordance with the Act the State Board of Forestry met August 12, and organized, and at a subsequent meeting on August 26, 1912, appointed a State Forester. At this meeting also a committee, consisting of Judge W. H. Mackoy, Mr. J. W. Newman, Commissioner of Agriculture, and the State Forester, Mr. J. E. Barton, was appointed by the Chairman, Governor Jas. B. McCreary, to prepare by-laws for governing the Commission. These by-laws, as drawn up by the committee and approved by the Board, have taken the form of the attached "Rules and Regulations." It is felt by the committee and the board that in a new organization such as this and in dealing with a new policy, as the forest policy, a wide latitude must be left within which the work may grow and expand and the "Rules and Regulations" have been made as broad as the terms of the act warrant and as brief as the exigencies of the situation demand. Methods of amendment have been provided that will enable the Board readily to adopt such changes as experience and development may show are necessary.

CHAPTER 133, ACTS 1912

An act to establish a State Board of Forestry, prescribing its duties and for conserving the forests and water supply of the State and approprating money therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That there be, and is hereby established a State Board of Forestry to consist of six members; namely, the Governor of the State, the Director of the Kentucky Experiment State at Lexington, the Commissioner of Agriculture, who shall be ex-officio members of the said board and three persons to be appointed and commissioned by the Governor, with the advice and consent of the Senate, and to hold office as hereinafter provided.

A State Forester shall be appointed by said board, and he shall be a graduate of a School of Forestry, a technically trained forester and shall have both a practical and theoretical knowledge of forestry and shall hold office for a term of four years and until the appointment and qualification of his successor.

One of the three persons first to be appointed members of said board by the Governor shall be appointed for a term of one year one for a term of two years and one for a term of three years, and as and when the terms of the members of said Board first appointed shall expire, their successors shall be appointed for terms of fours years each.

The three members of said board to be appointed by the Governor before entering upon the discharge of their duties, shall each take oath of office prescribed by the Constitution of the State.

§ 2. The members of the said State Board of Forestry shall not receive any salary for their services as such, but shall be paid the necessary expenses incurred by them in going to, attending upon and returning from the meetings of said State Board of Forestry, and of its committees. They shall keep an itemized account of their said necessary expenses, which shall be certified and paid in like manner as provided in Section 16 of this act with reference to the other expenditures of the said board.

§ 3. The State Forester, before entering upon the performance of the duties of his office, shall execute bond to the Commonwealth with surety or sureties worth at the time not less than $20,000 to be

approved by the Governor and filed in the office of the Secretary of State, conditioned for the faithful performance of the duties of his office, upon which, for any breach thereof, action may be instituted from time to time and recovery had to the extent of the damage sustained by the Commonwealth or others. Said bond shall be examined and the sureties approved by the Governor once in each year, and he may at any time when he deems the bond insufficient, require the execution of a new bond or additional sureties on the old one.

§ 4. The care, management and preservation of the Forest Reserves of the State hereafter to be acquired and established, and the forests thereon, as well as future growth thereon, and all moneys appropriated in that behalf, or collected therefrom in any way, and all personal and real property acquired to carry out the objects of this act are hereby made subject to the control of the said State Forestry Board as the same may be herein or in subsequent acts defined and required.

Said Board shall observe, keep in view, and, so far as it can, ascertain the best methods of re-foresting cut over and denuded lands, foresting waste lands, preventing the destruction of forests by fire, the administering of forests on forests principles, the instruction and encouragement of private owners in preserving and growing timbers for commercial and manufacturing purposes, and the general conservation of forest tracts around the headwaters and on the water sheds of all the water courses of the State.

§ 5. Said Board shall have the power to purchase lands in the name of the State suitable for forest reserves, at a price which shall not exceed ten dollars per acre, using for such purposes any surplus money not otherwise appropriated which may be standing to the credit of the forest reserve fund; and to make and enforce all rules and regulations governing State reserves, the care and maintenance thereof, the prevention of trespassing thereon, and for the conduct of its officers, agent and employees; and it may accept gifts of land and money to the State for forestry purposes, the same to be held, protected and administered by said Board as a State Forest Reserve, and to be used so as to demonstrate the practical utility of timber culture and as a breeding place for game. Such gifts must be absolute except that mineral and mining rights over and under land which may be donated may be reserved by the donors, and that they may be subject to a stipulation that the lands shall be administered as State Forest Reserves, and the Attorney General of the State is directed to see that all deeds to the State of lands mentioned above are properly executed before the gift is accepted.

§ 6. Before completing the purchase of any land for forestry purposes, the Attorney General of the State shall see to it that a good title thereto is obtained and that the deed or deeds therefor are properly executed before payment is made of the purchase money.

§ 7. It shall be the duty of said Board to make or cause to be made a careful investigation of the streams and navigable rivers within and bordering upon the State; of the methods, means, and cost of improving the same; of preventing their pollution; of conserving the water supply thereof; of using the same for the production of power, and how and in what ways the said streams and rivers may be made of most value to the State and to the people thereof.

§ 8. Said Board shall preserve all evidence which it may take with reference to conserving the forest and the water supply of the State and the methods best adapted to accomplish those objects and it shall make report of its doings, conclusions, and recommendations to each session of the General Assembly, and, from time to time, publish, in a popular manner, and print for public distribution, in bulletin or other form, such of its conclusions and recommendations as may be of immediate public interest.

§ 9. For the purpose of preserving the living and growing timber and promoting the younger growth on forest reservations, said Board, upon the recommendation of the State Forester, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon the forest reservations of the State as may be compatible with the utilization of the forests thereon and may sell the same for not less than the appraised value thereof. When the appraised value of the trees to be sold is more than $1,000 said Board, before making sale thereof, shall receive bids therefor after notice by publication once a week for four weeks in two newspapers of general circulation, but said Board shall have the right to reject any and all bids and to re-advertise for bids The proceeds arising from the sale of the timber and trees so sold shall be paid into the State Treasury and shall be held as a special fund for the purchase of additional lands, and shall be paid out in like manner as money appropriated for the use of said Board.

§ 10. The said Board acting as a Forestry Commission is hereby empowered to make and execute contracts and leases, in the name of the Commonwealth, for the removal or mining of gas, oil or any valuable minerals that may be found in said forestry reservations whenever it shall be made to appear to said Board that it would be for the best interest of the Commonwealth to make such disposition of such gas, oil, or minerals—but before a contract or lease is made the same shall be approved by the Governor of the State and bids therefor shall be received after notice by publication once a week for four weeks in two newspapers of general circulation. The said Board shall have the right to reject any or all bids and to re-advertise for bids. The accepted bidder shall give bond with good and sufficient surety to the satisfaction of said Board and in such amount as it may fix for the faithful performance on his part of all the conditions and covenants of said contract or lease. The proceeds arising from any such

contract or lease shall be paid into the State Treasury to be held and used for the same purposes as the proceeds from the sale of trees and timber and be paid out in like manner.

§ 11. When lands have been acquired by the Commonwealth for forestry purposes, however the same may have been acquired, they shall not thereafter be subject to warrant, survey or patent.

§ 12. The Governor of the State shall be the Chairman of said State Board of Forestry, but when he is absent said Board may elect one of its members as Chairman pro tem.

§ 13. The State Board shall keep a full and accurate account of its receipts and expenditures, and it shall make a full and accurate and complete report to each session of the General Assembly showing in detail, its receipts from all sources and its expenditures and the purposes for which expenditures have been made.

It shall also have power to employ a civil engineer and surveyor from time to time, with his necessary assistants whenever the necessities of the case may require.

§ 14. Subject to the direction of the said State Board of Forestry, the State Forester shall, whenever he may be directed so to do by the said Board, co-operat with counties, municipalities, corporations and individuals in preparing plans for the protection, management and replacement of trees, wood lots, and timber tracts under an agreement that the parties obtaining such assistance shall pay the field and traveling expenses of the men employed in preparing said plans.

§ 15. The State Board of Forestry may establish and maintain a nursery or nurseries for the propagation of forest tree seedlings either upon one or more of the forest reservations of the State or upon such other land as the said Board may and which it is hereby empowered to acquire for that purpose. Seedlings from this nursery shall be furnished to the Commonwealth without expense for use upon its forest reservations or other public grounds or parks. Seeds and seedlings may also be distributed to landowners and citizens of this Commonwealth under and subject to such rules and regulations as may be established by said Board.

§ 16. The State Forester shall be the Secretary of the Board and, as such, he shall certify all expenditures of the Board to the chairman thereof who in turn shall certify them to the Governor for his approval, whereupon, he shall authorize the Auditor of Public Accounts to draw his warrant upon the State Treasurer for the amount thereof; and shall have the supervision and direction of all forest interests and of all matters pertaining to forestry within the State; he shall have charge of all forest wardens who may be appointed by said Board and the appointment, direction and superintendence of the persons and laborers whom the Board may deem it necessary to employ to perform labor in the forest reservations or the nurseries herein

provided for; he shall take such action as is authoribed by law to prevent and extinguish forest fires; enforce all laws pertaining to forest and wood land; prosecute any violation of such laws; collect information relative to forest destruction and conditions; direct the protection and improvement of all forest reservations; make the investigation required by Section 7 of this act with reference to the streams and navigable rivers within and bordering upon the State and report in writing with regard thereto to the said State Board of Forestry; co-operate with landowners as provided in Section 8 of this act; and, as far as his duties as State Forester will permit, carry on an educational course on Forestry at Farmers' Institute and similar meetings within the State.

He shall also recommend to said Board and prepare for its use plans for improving the State system of forest protection, management, and replacement and prepare for said Board annually, and also whenever required so to do by said Board, a report on the progress and conditions of State forest work.

§ 17. The State Forester shall furnish notice, printed in large letters on cloth, calling attention to the dangers of forest fires and to trespass laws and their penalties, and to the rules and regulations of the State Forestry Board, which notices shall be distributed by the State Forester to forest wardens and posted by them in conspicuous places upon State forest reserves and along the highways.

§ 18. The salary of the State Forester shall be fixed by the State Forestery Board and shall not exceed $2,500.00 per annum and he shall be paid reasonbale traveling and field expenses actually incurred in the performance of his official duties.

§ 19. Whenever the State Board of Forestry considers it necessary it may apply to the Governor to commission such persons as it may designate to act as forest wardens of this State, to enforce the forest laws and under the direction of the Board to aid in carrying out the purposes of this act, but they shall be subject to removal at any time at the pleasure of the State Board of Forestry. Such wardens shall receive such compensation from time to time as the State Board of Forestry mal allow them for special services actually rendered, not exceeding $2 per day for each day of services. Forest wardens thus appointed shall, before entering upon the duties of their office, take the proper official oath before the clerk of the court of the county in which they reside; after which they shall, while holding said office, possess and exercise all the authority and power held and exercised by constables at common law and under the Statutes of this State, so far as arresting and prosecuting persons for violations of any of the laws or rules and regulations enacted or made or to be enacted or made for the protection of the State Forestry Reserves, or for the protection of the fish and game contained therein, are concerned.

§ 20. It shall be the duty of the forest wardens to enforce all forest laws of this State; to protect the State forest reserves and to see that all rules, regulations and laws are enforced; to report violations of the law to the State Forester; to assist in apprehending and convicting offenders, and to make an annual report to him as to forest conditions in their immediate neighborhood. When any forest warden shall see or have reported to him a forest fire, it shall be his duty immediately to repair to the scene of the fire and employ such persons and means as in his judgment seem expedient and necessary to extinguish said fire. He shall keep an itemized account of all expenses thus incurred and send such account immediately to the State Forester.

§ 21. The Fiscal Courts or Boards of County Commissioners of the several counties of this State are hereby authorized to levy and appropriate money for purposes of forest protection, improvement and management; and said Fiscal Courts and Board shall have recourse under an action at law for debt against any landowner, individual or corporation on whose account they shall have been obliged to pay out money for fighting fire for the amount which they shall have expended for such purpose.

§ 22. Whoever violates any rule or regulation for the government or use of any State reservation or park, or road or boulevard traversing the same, shall, for such offense, be punished by a fine of not less than five dollars nor more than fifty dollars, and if the person so fined neglects or refuses to pay the same he shall be committed to the jail of the county there to remain until such fine be paid, but not longer than one day for each and every two dollars of the fine imposed.

§ 23. Any person or persons who shall kindle fires upon any of the forestry reservations of this Commonwealth, except in accordance with such rules and regulations as may be prescribed by the said Board of Forestry, or who shall cut and remove any timber whatever, or who shall do or cause to be done any act that will damage forest lands or timber belonging to the Commonwealth, shall be guilty of a misdemeanor and upon conviction thereof be subject to a penalty not exceeding five hundred dollars ($500) for each offense committed with costs of suit. If the defendant or defendants neglect or refuse to pay the penalty and costs imposed, he or they shall be committed to the jail of the county there to remain until such penalty and costs are paid, but no longer than one day for each and every two dollars of the fine and costs imposed.

§ 24. It shall be unlawful for any persons or corporations, as landowner, to set, or procure another to set fire to any woods, brush, logs, leaves, grass, or clearing upon their own land, unless they shall have previously taken all possible care and precaution against the spread of such fire to other lands not their own, by previously having cut and piled the same, or carefully cleared around the land which is

to be burned, so as to prevent the spread of such fire. The setting of fire contrary to the provisions of this section, or allowing it to escape to the injury of adjoining lands, shall be prima facie proof of wilfulness or neglect, and the landowner from whose land the fire originated shall be liable in a civil action for damages for the injury resulting from such fire, and also for the cost of fighting and extinguishing the same.

§ 25. Logging and railroad locomotives, donkey or threshing engines, and other engines and boilers, operated in, through or near forest or bush, which do not burn oil as fuel, shall be provided with appliances to prevent as far as may be possible the escape of fire and sparks from the smokestacks thereof and with devices to prevent as far as may be possible the escape of fire from ash pans and fire boxes. Failure to comply with these requirements shall be a misdemeanor, punishable, upon conviction, by a fine of not less than $10 nor more than $100 for each and every offense committed.

§ 26. All individuals and corporations causing fires by violation of any of the provisions of this act shall be liable to the State or the county in which the fire occurred for all damages the State or the county may sustain by such fire or fires and in addition thereto to the full amount of all expenses incurred by the State or county in fighting or extinguishing said fire.

§ 27. Justices of the Peace for this State, in the county wherein the offense shall have been committed, shall have the jurisdiction to hear and determine all prosecutions for the purpose of enforcing fines and penalties, collectable under the provisions of this act, not exceeding the amount of $100 and of holding the offender, under proper bail if necessary, for hearing before the Circuit Court, and committing him to the county jail until such hearing if the required bail is not furnished. It shall be the duty of the Commonwealth and County Attorneys of the several counties and Circuit Court Districts to prosecute all violators of this act.

§ 28. All money received as penalties for violations of the provisions of this act, less the cost of collection and not otherwise provided for, together with any amount obtained from the State Forestry Reserves, shall be paid into the State Treasury to the credit of the forest reserve fund, which fund is hereby created; and the moneys in said fund are hereby appropriated for purposes of forest protection, management, replacement and extension, under the direction of the State Board of Forestry.

§ 29. The said State Board of Forestry shall have assigned for its use a room in the State Capitol and shall be provided with furniture, stationery and supplies necessary for its use.

§ 30. For the purpose of carrying out the provisions of this act the sum of $15,000.00 per annum is hereby appropriated out of any

money in the Treasury not otherwise appropriated, for the use of the said State Board of Forestry.

§ 31. The State Board of Forestry may expend annually out of the appropriation for its use a sum not exceeding $3,000 to be used in co-operative work with the Forestry Department of the United States Government under such terms as the said State Board may deem advantageous to the State, provided a like sum is furnished for said purpose by said Government, but the use of this amount or any part of it for this purpose is not obligatory upon the said State Board, unless in its judgment the State will profit thereby.

§ 32. Section 9 of Chapter 90 of the Acts, 1906, and all laws or parts of laws in conflict with this act are, to the extent of such conflict, hereby repealed.

RULES AND REGULATIONS

State Board of Forestry, Commonwealth of Kentucky

Approved October 19, 1912.

I. ORGANIZATION

A. The activities of the State Board of Forestry shall be divided for convenience into seven branches, to-wit:

1. Operation . . . . . O
2. Lands L
3. Silviculture . . . . . S
4. Water . . . . . W
5. Grazing . . . . . G
6. Education . . . . . E
7. Accounts . . . . . A

B. These several branches of activity shall be designated by their initial and the various phases of activity thereunder are defined and explained as follows:

1. **Operation.** This branch shall deal with all matters of general organization, administration, supervision; employment of assistants, office force, forest wardens, etc.; personnel; improvements; allotments; publications; fire protection, partol and co-operations; supplies and equipment; and property accountability.

2. **Lands.** This branch shall deal with all matters in connection with the purchase of lands; survey and designation of boundaries; leases or contracts for the removal or mining of gas, oil, or valuable minerals; compliation and publication of maps (except for sales of timber), special occupancy or rental of lands; claims, rights, or interior holdings; administrative, nursery or experimental sites; forest legislation; occupancy trespass.

3. **Silviculture.** This branch shall deal with all matters concerning timber sales (including the estimation of the timber, reports and maps thereon, advertisement, etc.), administrative use of timber; brush disposal; Federal, State and private co-operation; free use of timber; cost and stumpage data; fire and timber trespass; marking of timber; reconnaissance of timber; and timber settlement, nurseries, seed, planting, herbariums, silvics, studies, mensuration and working plans.

4. **Water.** This branch shall deal with all matters relating to water; waterflow; surface run-off; stream measurements; development of water power and occupancy of land therefor; pollution of streams, protection of village and municipal water supplies.

5. **Grazing.** This branch shall deal with all matters pertaining to grazing permits; grazing studies; grazing trespass; grazing supervision; game preservation, breeding, protection and distribution.

6. **Education.** This branch shall deal with all matters pertaining to addresses, lectures, publications, demontsrations, or exhibits for educational purposes.

7. **Accounts.** This branch shall deal with all matters pertaining to appropriations, allotments, gifts, funds, or receipts, however accumulated; expenditures of every description provided for by law under the direction of the State Board of Forestry; appointments, separations, furloughs, dismissals, leaves of absence, financial statements or reports.

A. Operations

Reg. O–1. The state Forester with the advice and consent of the State Board of Forestry may employ an assistant, a stenographer and such other office force as may hereafter become necessary.

Filing System

Reg. O–2. A complete filing system shall be devised and maintained in the office of the State Forester for the proper record of all transactions of the State Board of Forestry and the office of the State Forester.

Property Accountability

Reg. O–3. The State Forester shall maintain in his office a complete list of all instruments, equipment and property which shall hereafter be acquired by the State Board of Forestry in connection with the work of the State Forester.

Field Force On State Forest Reserves

Reg. O–4. Upon the acquirement of lands by the State for State forest reserves the State Forester shall with the advice and consent of the State Board of Forestry organize and employ the necessary force for the administration of such forest reserves.

Contracts and Deeds

Reg. O–5. All contracts, deeds of gift or purchase and papers relating to the appropriation of lands, and abstracts of title to said land shall be approved by the Att orney General, and such a certificate of such appropral shall accompany such papers, or be endorsed thereon; and all such original contracts, deeds of gift or purchase, and papers constituting the record of appropriation shall be filed in a depository to be designated by the State Board of Forestry. Copies of all such papers herein enumerated shall be kept on record in the State Forester's files.

Improvements

Reg. O–6. The State Forester shall, when so directed by the State Board of Forestry cause such improvements to be built and constructed on State Forest reserves and nurseries as may from time to time appear necessary.

Fire Protection

Reg. O–7. The State Forester shall as rapidly as possible investigate and report upon the forest fire conditions of the State and in accordance with his investigations shall when so directed by the State Board of Forestry, organize the necessary protective force in such regions as may appear necessary.

Reg. O–8. The State Forester shall ascertain as far as possible, the extent and damage of all fires within the State and particularly on the State forest reserves, and shall maintain a record thereof which shall show, so far as can be ascertained, the date, cause, extent, damage, cost and other information of value with regard to such fire or fires.

Reg. O–9. The State Forester shall take such action and perfect such organization as will insure the compliance of persons and cor porations with that portion of the act herewith quoted:

"§ 24. It shall be unlawful for any persons or corporation, as land owner, to set, or procure another to set fire to any woods, brush, logs, leaves, grass, or clearing upon their own land, unless they shall have previously taken all possible care and precaution against the

spread of such fire to other lands not their own, by previously having cut and piled the same, or carefully cleared around the land which is to be burned, so as to prevent the spread of such fire. The setting of fire contrary to the provisions of this section, or allowing it to escape to the injury of adjoining lands, shall be prima facie proof of wilfulness or neglect, and the land owner from whose land the fire originated shall be liable in a civil action for damages for the injury resulting from such fire, and also for the cost of fighting and extinguishing the same.

"§ 25. Logging and railroad locomotives, donkey or threshing engines, and other engines and boilers, operated in, through or near forest or bush, which do not burn oil as fuel, shall be provided with appliances to prevent as far as may be possibe the escape of fire and sparks from the smokestacks thereof and with devices to prevent as far as may be possible the escape of fire from ash pans and fire boxes. Failure to comply with these requirements shall be a misdemeanor, punishable, upon conviction, by a fine of not less than $10 nor more than $100 for each and every offense committed."

Reg. O–10. The State Forester, with the approval of the State Board of Forestry, shall, if the exigencies of the situation demand, designate certain seasons within which no fires may be set by persons or corporations, or in accordance with the instructions or directions of such persons or corporations, for purposes of clearing land or burning debris resulting from logging or lumbering operations.

Reg. O–11. The State Forester may require such inspection of logging and railroad locomotives, donkey or threshing engines as will insure their being equipped with the proper spark arresters and devices against the escape of fire from ash pans and fire boxes.

Reg. O–12. The State Forester shall furnish all possible assistance to the proper authorities looking to the prosecution of all cases of violations of any provisions of the Acts and the rules and regulations of the State Board of Forestry with regard to fire protection, and shall estimate or cause to be estimated the value of all damage sustained by the State or county within which the fire or fires occurred.

Meetings of the State Board of Forestry

Reg. O–13. It shall require a vote of four members of the State Board of Forestry at any meeting to amend the rules and regulations of the said Board.

Reg. O–14. A meeting of the State Board of Forestry shall be held quarterly, as nearly as possible on the fifteenth of January, April, July and October as the circumstances warrant; Provided, that the chairman of the State Board of Forestry may call special meetings of said Board when important and urgent matters demand attention.

Reg. O–15. At the quarterly meetings of the State Board of Forestry the State Forester shall submit a brief resume of the work of his office during the period just past.

B. LANDS

Purchase of Lands

Reg. L–1. The Act of the General Assembly approved by the Governor, March 19, 1912, provides (Sec. 5, 6, Chap. 133, pp. 531-2, Acts, 1912), that the State Forest Board shall have the power to purchase lands in the name of the State for forest reserves and accept gifts of land or money to the State for forestry purposes. Land purchased in this manner and for these purpose shall not exceed ten dollars per acre.

Reg. L–2. When it shall come to the attention of the State Forester that certain tracts of land are available for forest reserve purposes, he shall himself examine such land or cause an examination to be made. The examination shall determine the suitability of the particular tract involved for forest reserve purposes and the availability and suitability of adjacent lands for like purposes. The result of the examination shall be embodied in the form of a written report, accompanied by a map which shall be submitted to the State Board of Forestry for their consideration. No lands above the value of $100 shall be purchased unless personally inspected by the State Forester and at least two members of the State Board of Forestry.

Reg. L–3. When land is purchased by the State Board of Forestry for forestry purposes, the State Forester shall thereupon cause an accurate survey of the boundaries of such tract to be made, the boundaries properly marked, and a detailed map compiled for the area as a basis of future administration and development.

Special Use Regulations

Reg. L–4. All uses of the State forest reserves, except those specifically provided for in regulations governing water, timber sales, timber settlement and grazing will be designated "special uses." Applications for "special uses" shall be made to the State Forester in writing, who may grant permits for such uses when they are not clearly inconsistent with the purposes for which the forest reserves were created subject, however, to the subsequent approval or disapproval of the State Board of Forestry, to whom all such permits shall be reported at the meeting of said Board immediately following the granting of a permit. A record of all permits granted by the State Forester for "special uses" shall be kept by him in his office.

Reg. L–5. The occupancy and use of the State forest reserve land and resources under a special use permit, shall be conditioned

upon payment of a charge, which shall be based upon schedules published from time to time by the State Forester with the advice and consent of the State Board of Forestry.

Reg. L–6. In serious emergencies for the protection of life or property forest reserve material may be taken without previous permit, provided a permit for the material so used and the special use so involved is subsequently secured at the earliest opportunity.

Reg. L–7. The State Forester may, in his discretion, issue permits to any road district, county or person, or corporation for the free use of timber, stone, and other forest reserve products for the construction or maintenance of roads or trails within State forest reserves. When the public benefit does not justify such free use the permittee must pay for all merchantable timber cut or destroyed by lands occupied under permit.

Reg. L–8. Wagon roads over State forest reserve lands may be constructed, changed, widened or repaired subject to the approved of the State Forester.

Occupancy Trespass

Reg. L–9. The following acts are prohibited:

A. Squatting upon forest reserve land, or making settlement thereon.

B. Constructing or maintaining any kind of works, structure, fence or inclosure; conducting any kind of business enterprise, or carrying on any kind of work on State forest land without permit, except as otherwise allowed by law or regulation.

C. The wilful tearing down or defacing any notice of the State Board of Forestry posted within a State forest reserve.

D. Camping within State forest reserves.

E. The posting of advertising signs, bills, posters, placards or advertisements of any description.

Settlement of Trespass

Reg. L–10. The State Forester is authorized to settle all cases of innocent or unintentional civil trespasses when the value of the forest products taken or destroyed is not in excess of $100.

Reg. L–11. Settlement of all innocent or unintentional trespass when the total value of the forest products injured, taken or destroyed is in excess of $100 will be effected by the State Board of Forestry. All wilful civil trespasses, or those involving injury to the lands with in the State Forest reserves, apart from injury or destruction of forest products, and all criminal trespasses will be reported to the State Board of Forestry for reference to the Attorney General of the State for action.

C. SILVICULTURE

Timber Sales

Reg. S–1. No timber shall be designated for cutting by stamping or otherwise until the State Forester is satisfied that the cutting will preserve the living and growing timber, promote the younger growth, and be compatible with the utilization of the forest. Upon application for the purchase of timber or where timber is to be sold in advance of application, such timber shall be examined and appraised, and the area from which the timber is to be cut described by legal subdivisions, metes and bounds, or otherwise. The individual making the examination shall report the quantity and value of the various kinds of timber involved, and shall base his appraisal on the character of the timber, the cost of logging, transportation and manufacture, and the sale value of manufactured products at practicable markets. No sale of timber exceeding $100 in value shall be binding unless approved by the State Board of Forestry.

Reg. S–2. No timber shall be cut under any timber sale contract before it has been paid for. Refunds may be made in the discretion of the State Forester or the State Board of Forestry to depositors of such sums deposited by them to secure the purchase price of forest products as may be found in excess of the amounts actually due the State. Refunds or payments may also be made of such sums as may be found to have been erroneously collected for timber or other forest products sold from lands within, but not a part of, a State forest reserve.

Reg. S–3. In any sale, the timber may be paid for in one or more payments, as agreed. In sales of $100 or less the partial payments must not exceed two.

Reg. S–4. Modifications of contracts for the sale of timber will not be allowed except in those cases where the full performance of the contract by the purchaser is rendered inequitable and unjust by some act of the State. Modifications where proper, within the meaning of this regulation, may be made by the State Forester, when approved by the State Board of Forestry.

Reg. S–5. No timber will be sold in amounts exceeding $1,000 stumpage value in advance of advertisement. When necessary to protect the State against loss, a bond may be required.

Reg. S–6. After any timber has been advertised and no satisfactory bids received, or if the bidder fails to complete the purchase, the State Forester may dispose of the timber at a private sale in quantities to suit purchasers, without further advertisement, at prices not lower than those named in the advertisement. Timber may also be disposed of at private sale without advertisement, where the stumpage value of the timber does not exceed $1,000.

Reg. S–7. In awarding advertised timber of a value exceeding $5,000, allotments at the highest prices offered may be made to several bidders to prevent monopoly.

Reg. S–8. No trees on State forest reserves shall be cut except under permit or contract. No living trees shall be cut under any contract until marked or otherwise designated by the State Forester or his representative.

No timber cut under any contract shall be removed from the place selected for scaling, measurement, or counting until it has been scaled, measured, or counted and stamped by the State Forester or his representative on the ground. No person except the State Forester or his representative shall stamp any timber belonging to the State with the regulation marking ax, hatchet, or hammer or with any instrument having a similar design. All saw timber will be scaled by the Scribner Decimal C log rule, as used by the United States Forest Service.

Reg. S–9. The period allowed for the removal of timber, which shall in no instance exceed four years, except in special cases upon specific approval of the State Board of Forestry, will be fixed in the agreement, and in sales in which a period of two or more years is allowed for the removal of the timber, the minimum amount to be removed each year must be specified, except in unusual cases. The State Forester may, with the consent and approval of the State Board of Forestry, extend the time beyond a period of four years; but such extension will be granted only to prevent hardship in cases where failure to remove the timber within the four year period is due to circumstances over which the purchaser had no control.

Reg. S–10. The State Forester may in any timber sale require the purchaser to furnish a bond for the satisfactory completion of the contract.

Reg. S–11. The disapproval of an application for the purchase of timber and for the modification of a contract by the State Forester shall be considered final, but the party affected thereby may, by written notice filed with the State Forester within fifteen days from his decision, ask the State Board of Forestry, at its next ensuing meeting, for a reconsideration of the determination or finding of the State Forester, and, in that event, the decision of the State Board of Forestry shall be final.

Reg. S–12. The use of steam engines, donkeys, and locomotives in operation on any State forest reserve land under any timber sale contract or under any permit is prohibited, unless they are equipped with such spark-arresters as are approved by the State Forester, or unless oil is used as fuel.

Administrative Use of Timber

Reg. S–13. The State Forester with the advice and consent of the State Board of Forestry may, within the amount which said State

Board is authorized to sell without advertisement dispose of under free use permit or otherwise any timber upon the State forest reserves when such removal is actually necessary to protect the forests from ravages or destruction, or when the use or removal of timber is necessary in the construction of roads, trails, cabins, and other improvements on the State forest reserves or in experiments conducted by the State.

Timber Settlement

Reg. S–14. When timber on State forest reserve land is cut, damaged, killed, or destroyed in connection with the enjoyment of a right-of-way or other special use payment therefor may be required at such rate or rates as may be fixed by the State Forester, under the timber sale regulations to sell the amount involved.

Fire Trespass

Reg. S–15. The following acts are prohibited on lands of the State within State forest reserves.

A. Setting or causing to be set on fire any timber, brush, or grass; Provided, however, that this regulation shall not be construed to prohibit the building of necessary camp fires or other fires for domestic or manufacturing purposes when permit is granted for same by the State Forester.

B. Building a camp fire in leaves, rotten wood, or other places where it is likely to spread, or against large or hollow logs, or stumps, where it is difficult to extinguish it completely.

Reg. S–16. The following acts on any lands within the State are prohibited:

A. Setting or procuring another to set fire to any woods, brush, logs, leaves, grass or clearing upon their own land by any persons or corporations, unless they shall have previously taken all possible care and precaution against the spread of such fire to other lands not their own, by previously having cut and piled the same or carefully cleared around the land which is to be burned, so as to prevent the spread of such fire.

B. Building a camp fire in leaves, rotten wood, or other places where it is likely to spread, or against large or hollow logs or stumps, where it is difficult to extinguish it completely.

C. Leaving a camp fire without completely extinguishing it, when permit has been granted for same.

Timber Trespass

Reg. S–18. The following acts are prohibited on State lands within State forest reserves:

A. The cutting, killing, destroying, girdling, shipping, chopping, boxing, injuring or otherwise damaging, or the removal of any timber or young tree growth except as authorized by law and the regulations of the State Board of Forestry.

B. The damaging or cutting, under any contract of sale or permit of any living tree until it is marked or otherwise designated for cutting by the State Forester or his authorized agent.

C. The removal from the place designated for scaling, measuring, or counting of any timber cut under contract of sale or permit until scaled, measured or counted and stamped by the State Forester or his authorized agent.

D. The stamping, except by the State Forester or his authorized agent, of any timber belonging to the State with the regulation marking tools or with any instrument having a similar design: Provided, that timber lawfully cut from land which is subsequently included within a State forest reserve may be removed within a reasonable time after the inclusion of such land in a State forest reserve: Provided, further, that the term "timber" as used in this regulation shall be deemed and taken to mean trees of a character or sort that may be used in any kind of manufacture or the construction of any article, or for fuel.

Nurseries

Reg. S–19. Upon the designation and establishment of a nursery by the State Forester with the approval of the State Board of Forestry, the State Forester may with the approval of the State Board of Forestry hire such nursery assistance and labor, purchase such necessary material and supplies as will insure the proper establishment, care and maintenance of such nursery and insure the end for which the nursery was established.

D. WATER

Reg. W–1. The State Forester may cause such examinations to be made as will insure accurate data in regard to the amount and character of stream flow of the navigable rivers within and bordering on the State; establish gauging stations, designate observers, voluntary or otherwise; institute investigations of the means, methods and cost of improving the streams and regulation of flow, conserving the water thereof and preventing its pollution. He shall also assemble accurate data in regard to the availibility of streams and rivers for water power purposes and the value of such power to the people of the State.

E. GRAZING

Reg. G–1. Grazing of cattle, sheep, goats or hogs upon any State forest reserve will not be allowed except under permit by the State Forester.

Reg. G–2. If upon any State forest reserve, it appears upon investigation that the reserve as a whole or any portion of the reserve will not be injured by the grazing of cattle, sheep, goats or hogs, such forest reserve or portion thereof may be opened to grazing by the State Board of Forestry and the State Forester authorized to issue permits for such grazing. The State Forester shall, subject to the approval of the State Board of Forestry, then establish seasons within which grazing will be permitted and establish equitable charges for grazing privileges.

Reg. G–3. All grazing fees are payable in advance. When an applicant for a grazing permit is notified by the State Forester that his application has been approved, he will remit the amount due for grazing fees to the State Forester to be placed to the credit of the forest reserve fund, and upon receipt of payment a permit will be issued allowing the stock to enter the forest reserve and remain during the period specified. Persons who fail to pay the grazing fee before the beginning of the grazing period must notify the State Forester before the beginning of the grazing period and give satisfactory reasons, or they may be denied a grazing permit the following season within the discretion of the State Forester.

Reg. G–4. Grazing fees will not be refunded for non-use of State forest reserve land except when, in the opinion of the State Forester, the applicant is prevented from using the said lands by circumstances over which he has no control.

Damage to Roads, Trails, or Springs

Reg. G–5. Each person or group of persons granted grazing permits must repair all damage to roads or trails caused by the presence of their stock in any portion of a State forest reserve.

Disposition of Carcasses

Reg. G–6. The carcasses of all animals which die on the State forest reserve from contagious or infectious diseases must be burned and the carcasses of all animals which die in close vicinity of water must be removed immediately, and buried or burned.

Salting Stock

Reg. G–7. Whenever the State Forester requires it, all stock grazed under permit must be salted regularly at such places and in such manner as he may designate.

Quarantine and Local Laws

Reg. G–8. All stock which is grazed under permit in, or allowed to cross, any State forest reserve will be required to conform to the quarantine regulations of the State Live Stock Sanitary Board, and all live stock laws of the State.

Protection of Game, Fish and Birds

Reg. G–9. The State Forester will co-operate with the State Fish and Game Commission to enforce the laws of the State for the protection of birds, fish and game. In State forest reserves, which are utilized for breeding places for game and game refugees, all forest officers will act without additional pay as deputy game wardens with full power to enforce the State fish and game laws.

Grazing Trespass

Reg. G–10. The following acts are prohibited:

A. The grazing upon or driving across any State forest reserve without permit, except such stock as are specifically exempted from permit by the regulation of the State Board of Forestry, or the grazing upon or driving across any State forest reserve of any live stock in violation of the terms of a permit.

B. The grazing of stock upon State forest reserve land within an area closed to the grazing of that class of stock.

C. The grazing of stock upon an area withdrawn from use for grazing purposes to protect it from damage by reason of the presence of the stock or improper handling thereof, after receipt of notice from the State Forester of such withdrawal and of the amendment of the grazing permit.

F. EDUCATION

Reg. E–1. It shall be the duty of the State Forester to propagate among the people of the State and especially the children a knowledeg of the economical and aesthetic value of trees and forests by lectures, talks, publications, bulletins, short sketches and in every other way compatible with the importance of the work.

Reg. E–2. As rapidly as possible the State Forester shall accumulate a library dealing with forestry in all its phases and other closely related branches and subjects. This library shall be situated in the office of the State Forester and shall be available to all persons of the State as a reference library under such rules and regulations as the State Board of Forestry may hereafter approve. Gifts of books, pamphlets, bulletins, etc., may be accepted by the State Forester for the forest library.

Reg. E–3. A record of all speeches, lectures, talks and addresses made by the State Forester or under the auspices or direction of his office shall be kept and copies of such speeches, lectures, talks or addresses kept on file when obtainable.

Reg. E–4. The State Forester shall initiate studies of forest products, their uses, and problems with relation thereto. He may also undertake experiments and investigations with relation to wood composition, wood distillation, by-products and wood utilization generally.

G. ACCOUNTS.

Reg. A–1. A complete system of acounts of all receipts and expenditures of the State Board of Forestry shall be kept in the State Forester's office, and a statement thereof shall be submitted to the State Board of Forestry by the State Forester once every six months and at such other times as the Board may request. A full and complete statement of all receipts and expenditures will be submitted to the General Assembly at each session.

Reg. A–2. Copies of all vouchers submitted for payment by the State Board of Forestry shall be kept on file in the office of the State Forester.

APPENDIX

From Kentucky Statutes, Carroll, 1909.

Sec. 1254. Firing woods, fence, grass:

If any person shall unlawfully set fire to any woods, fence, grass, straw or other things capable of spreading fire in land, he shall be fined not exceeding one hundred dollars.

Sec. 1255. Firing woods and damaging another's property.

If any person intentionally or negligently set any woods on fire, whereby damage is done to the lands or property of another, he shall be fined at the discretion of a jury.

Sec. 1256. Carrying away or injuring property—destroying boundary marks.

If an person unlawfully, but not with felonious intention, take, carry away, deface, destroy or injure any property, real or personal, or other thing of value not his own, or wilfully and knowingly, without felonious intention, break down, destroy, injure or move any monument erected to designate the boundaries of this State, or any county, city or town thereof, or the boundaries of any tract or lot of land, or any tree, mark, or post, or stone planted for that purpose he shall be fined not less than ten or more than two thousand dollars.

PAT. JAN. 21, 1936

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